

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA**

**ELIZABETH SINES ET AL.,**

Plaintiffs,

v.

**JASON KESSLER ET AL.,**

Defendants.

: Case No. 3:17-CV-72

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: (Judge MOON)

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**RESPONSE IN OPPOSITION TO  
MOTION TO SHOW CAUSE AND  
FOR DISCOVERY SANCTIONS**

Plaintiffs observed internet postings by defendant Matt Parrott that caused them to fear discoverable evidence was being destroyed by Mr. Parrott. The Plaintiffs therefore filed a motion to show cause and requesting discovery sanctions. Said motion was docketed at DE 272.

**I. Plaintiffs are not entitled to their requested relief**

Contrary to the Plaintiffs allegations, defendant Parrott has not deleted or in any way destroyed any potentially discoverable electronic data.<sup>1</sup> Accordingly, none of the relief requested in Plaintiff's motion can be granted as the reason given for the request does not exist. Therefore, the Plaintiff's motion for discovery sanctions (DE 272) must be denied. In the alternative, the Plaintiff's motion should be held in abeyance until such time as Plaintiffs can actually prove that spoliation of evidence has occurred.

s/ James E. Kolenich PHV

James E. Kolenich (OH 77084)  
KOLENICH LAW OFFICE

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<sup>1</sup> See attached Declaration of Matt Parrott

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**CERTIFICATE OF SERVICE**

A true copy of the foregoing was served via the Court's CM/ECF system on March 27, 2018 as listed below:

*All parties of record*

No one entitled to service has requested or is need of service by other means.

s/ James E. Kolenich PHV

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James E. Kolenich (OH #77084)